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10 Attorneys for Plaintiff
 AUTHENTEC, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 AuthenTec, Inc., a Delaware corporation,

15 Plaintiff,

16 vs.

17 Atrua Technologies, Inc., a California
 18 corporation,

19 Defendant.

Case No. C 08-1423-PJH

**AUTHENTEC'S WITHDRAWAL OF ITS
 UNOPPOSED MOTION FOR LEAVE TO
 FILE SECOND AMENDED COMPLAINT**

Judge: Hon. Phyllis J. Hamilton

Date: September 3, 2008

Time: 9:00 a.m.

Place: Courtroom 3, 17th Floor

20 AND RELATED COUNTERCLAIMS
 21

22 On July 29, 2008, Atrua Technologies, Inc. ("Atrua") informed AuthenTec, Inc. ("AuthenTec")
 23 that it did not oppose AuthenTec's motion for leave to file its second amended complaint. Atrua
 24 insisted, however, that AuthenTec file its documents as an unopposed motion rather than a stipulation,
 25 which AuthenTec had sought. On July 30, 2008, as AuthenTec was e-filing its unopposed motion and
 26 supporting documents, Atrua informed AuthenTec that Atrua agreed to the stipulation. AuthenTec
 27 then filed the stipulation and related documents. Because the short stipulation places a much lesser
 28 burden on the Court's resources and time than the unopposed motion, AuthenTec respectfully requests

1 that the Court withdraw the unopposed motion and all related documents and consider instead the
2 stipulation and related documents.

3 Dated: July 31, 2008

HOWREY LLP

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5 By: /s/ Denise M. De Mory
6 Denise M. De Mory
7 Attorneys for Plaintiff
8 AUTHENTEC, INC.
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